

## International Journal for Crime, Justice and Social Democracy



# Bordering Through Religion: A Case Study of Christians from the Muslim Majority World Seeking Asylum in the UK

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### Abstract

The current global 'crisis' of the refugee movement has drawn to the forefront longstanding public worries about welcoming and accommodating refugees, especially in liberal democratic States. While religion is central to refuge, very little is known about the experiences of individuals seeking refugee protection on religious grounds and even the racialisation of religious identities within the asylum adjudication system. Drawing on ethnographic research with Christians from Pakistan, who are seeking asylum in the United Kingdom (UK), this paper explores the religious discrimination that this group faces within the context of the UK's current hostile environment. Findings reveal a complex issue of misdirected Islamophobia, along with other multi-layered forms of stereotyping. By exploring and engaging with these issues, the paper aims to highlight the complex 'borders' that those seeking protection on religious grounds have to negotiate as they move through the asylum adjudication system.

### Keywords

Asylum adjudication; religious persecution; epistemic injustice; hermeneutical injustice; testimonial injustice.

*Please cite this article as:*

Madziva R (2020) Bordering through religion: A case study of Christians from the Muslim majority world seeking asylum in the UK. *International Journal for Crime, Justice and Social Democracy* 9(3): 47-60. <https://doi.org/10.5204/ijcjsd.v9i3.1591>



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## Introduction

While Castle, Haas and Miller (2014) have pointed out that the current era is better understood as the ‘age of migration’, the global refugee phenomenon has increased exponentially to become one of the worst challenges that nation-states face within the twenty-first century. This increased movement of people, mainly from the Global South to the Global North, which is often ‘presented as a matter of security’ (Bosworth and Guild 2008), has led to the conflation of migration and terrorism. To this end, the major concern for contemporary governments and immigration regimes has become that of securing their borders and protecting their own citizens, a move that threatens to undermine the international refugee protection regime.

In the United Kingdom (UK), as in other liberal democracies, a broadly negative perception towards asylum seekers has long dominated public and political discourse. In turn, this has necessitated the enactment of evermore stringent policies that aim to distinguish ‘between deserving and undeserving foreigners that has blurred the boundaries between so-called “economic” migrants, terrorists, and those searching for asylum’ (Bosworth and Guild 2008: 4).

As Cwerner (2004) argues, much of the immigration legislation has incorporated techniques and mechanisms by which people are sorted into distinct categories, leading to the production of everyday ‘borders’—or what Guentner et al. (2016) calls ‘bordering practices’<sup>1</sup>—within the immigration system. Given that asylum decisions are rarely undertaken at the port of entry, Jubany (2017) argues that the asylum-screening process represents the core action of a particular border, and it is within this ‘border world’ or ‘site’ where immigration officers occupy the dominant position. Therefore, it is important to examine the everyday workings of the asylum system, particularly the ways in which immigration officials (as representatives of the State) ‘embody and perform their roles’, and how important judgements about ‘who is and is not deserving of refugee status’ are often made (Jubany 2017: 17).

This paper draws on research from an ‘extreme’ case—that is, the adjudication of faith-based asylum claims—using a case study on Christians from the Muslim majority world (particularly Pakistan) seeking asylum in the UK. In doing so, the paper highlights issues of potential discrimination, prejudice, harm and bias inherent in the adjudication of such claims. It begins with a discussion of Miranda Fricker’s epistemic injustice thesis to provide the theoretical framework, followed by a brief description of the research upon which the paper is based. It then presents the lived experiences of Pakistani Christians seeking asylum in three sections—first, the challenges around proving their Christian identity; second, the problems of evidencing their Christian faith; and third, the barriers to evidencing persecution—before concluding.

## Theoretical Underpinnings: Epistemic Forms of Injustice

To better understand the politics of asylum in relation to the adjudication of faith-based asylum claims in the UK, this paper draws on Miranda Fricker’s philosophical work, particularly her epistemic injustice thesis. Fricker’s (2007) research centres on the production of knowledge in social interactions, exploring the operation of power in two basic, everyday epistemic practices of conveying knowledge to others and making sense of social experiences. As Fricker argues, it is the politics of epistemic practice that determines how power is used to produce injustice in everyday social life. This can occur in the form of ‘hermeneutical’ and/or ‘testimonial’ injustice.

## Hermeneutical Injustice

For Fricker (2007: 155), hermeneutical injustice entails ‘having some significant area of one’s social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource’. As Fricker certainly recognises, this happens when negative prejudices about particular groups (that cannot participate on an equal basis in creating shared meanings or knowledge about their own social experience) are circulated within a culture so as to dominate public discourse. Consequently, this defames the epistemic character of the members of that group, affecting how

they are generally perceived, treated or listened to, especially when it comes to matters of credibility. Thus, as Medina (2011: 72) puts it, hermeneutical injustices may better be seen as resulting from ‘obstacles and limitations in the social imaginary’<sup>2</sup> *that hinder* the ‘communicative and epistemic capacities of members of certain groups and preclude a genuine understanding of their experiences’.

As such, this paper seeks to show through the experiences of Christian Pakistani asylum seekers how Fricker’s account of hermeneutical injustice can facilitate understanding of the structural forms of injustice and the related forms of racism and harm that asylum seekers suffer in their everyday pursuit to gain refugee protection. Therefore, this leads us to Fricker’s second form of epistemic injustice: testimonial injustice.

### Testimonial Injustice

While not all testimonial injustices have a hermeneutical background, Fricker (2007) points out that where identity prejudice is embedded into the legal, political and administrative structures (as is the situation of asylum seekers), marginalised individuals often suffer what she calls ‘systemic testimonial injustice’. This is because they enter communicative interactions in a disadvantaged position and are, therefore, more likely not to be taken seriously: ‘when hearer prejudice does its work in advance of a potential informational exchange: it pre-empts any such exchange’ (Fricker 2007: 130). Consequently, testimonial injustice is made manifest ‘when prejudice causes a hearer to give a deflated level of credibility to a speaker’s word’ (1)—not only as judged on ‘what they say but also on how they say it’ (26).

To this end, the central harm of testimonial injustice is ‘identity-prejudicial credibility deficit’ (Fricker 2007: 28). This is when a speaker’s assertion is given unduly low weight simply because the listener is prejudiced against the social group to which the speaker belongs, resulting in the latter being treated as though he/she lacks the attributes perceived necessary to be a reliable informant (Medina 2011). Therefore, Fricker identifies ‘identity power’ as a specific form of social power in operation where testimonial exchanges are influenced by identity prejudices. In other words, as Medina (2011: 27) argues, testimonial injustice ‘concerns the social imaginary’s role in shaping people’s capacities for listening properly and for assigning adequate levels of credibility and authority’.

Fricker’s examples of testimonial injustices centre on the ideology of racial discrimination, which makes it more significant to draw on this framework to understand the racialisation of religious identities within the asylum system. This is especially important given that categorisations of who is and is not allowed to make claims to religious identities are framed within racialised discourse.

### The UK Asylum Adjudication System

The general process of seeking asylum in the UK involves lodging a claim, followed by a screening interview, to allow officials to establish claimants’ identities. The next step is a substantive interview conducted by an immigration caseworker to allow the claimant to give his/her testimony. To be recognised as a refugee, an asylum seeker must prove ‘to a reasonable degree of likelihood’ that they have a ‘well-founded fear of persecution’ for one of the reasons of race, religion, nationality, membership of a particular social group or political opinion, as specified in the 1951 UN Refugee Convention (Office of the United Nations High Commissioner for Refugees [UNHCR] 1998).

In assessing the credibility of an asylum claim, immigration officials are expected to simultaneously consider three key criteria of internal consistency, external consistency and plausibility (Thomas 2011). Internal consistency hinges on the expectation that a claimant’s oral testimony, written statements and any personal documentation submitted as evidence in support of their claim should be ‘coherent and reasonably consistent’ (UK Home Office 2015: 15). External consistency relates to the expectation for a claimant’s testimony to be consistent with the ‘general known facts’ such as the Country of Origin Information (COI) as well as any expert evidence available. Decision-makers are required to make use of

'accurate, impartial and up-to-date country of origin information from a variety of sources' (UNHCR 2001: 12). Finally, plausibility refers to the actual assessment of the apparent 'likelihood' or 'truthfulness' of a claim in relation to the internal and external information, and the attached evidence (UK Home Office 2015). However, as Kagan (2003: 386) argues, the problem with plausibility is that the: 'assessment may also be [wrongly] based upon what is speculated upon or imagined to be likely, rather than upon actual evidence of what has occurred or evidence of general conditions that inform the likelihood of an occurrence'.

To this end, officials are warned not to base plausibility decisions on their own assumptions, conjecture or speculative ideas of what ought to have happened, what they might think 'someone genuinely fleeing for their life' should have done, what ought to have been possible or not possible or how 'a genuine refugee' would have behaved, *or* how they think a third party would have acted in those circumstances (UNHCR 1998).

However, it is important to note that asylum seekers are a population that frequently experience horrendous human rights violations in their countries of origin, and their journeys are often traumatic. To this end, UNHCR (1998) guidelines state that asylum seekers are not always able to corroborate every aspect of their claims and, as such, the 'benefit of the doubt' rule needs to be taken into consideration, especially where the applicant's testimony is found to be generally 'believable'. In Kagan's (2003: 382) view, the UNHCR's believability standard implies that 'to be a refugee, people only need to show that their fears of being persecuted are well-founded, rather than needing to show certainty'. This then means that 'an adjudicator does not need to be absolutely convinced by an applicant's testimony, as a jury might need to be in a criminal case requiring proof beyond reasonable doubt' (Kagan 2003: 382). When taken this way, the 'benefit of the doubt' rule is meant to ensure that genuine refugees are not disadvantaged simply because some people abuse the refugee protection system (Kagan 2003).

Yet, in the UK (in common with other liberal democracies), there are pervasive views that the UK Border Agency's (UKBA) decision-making on asylum claims suffers from what is termed as an institutional 'culture of disbelief' or 'culture of denial' (Shaw and Witkin 2004; Gibson 2013; Souter 2011). As Souter (2011: 48) argues, this stems from:

the Home Office's acceptance of the familiar and widespread assumption among politicians and the general public that large numbers of asylum claims are unfounded, mendacious or 'bogus', and are made by 'economic migrants' as a means of improving their standard of living, rather than by 'genuine' refugees as defined by the 1951 Refugee Convention.

Therefore, when disbelief becomes a 'culture' it means the practice is no longer confined to isolated cases, but has permeated the system's decision-making at large (Souter 2011). Jubany's ethnographic research of the UK asylum determination process, which involved participant observation and interviews with immigration officials, offers some useful insight. In her article 'Constructing Truths in a Culture of Disbelief', Jubany (2011) argues that the UK immigration officials' work ethic, practices and habits are hugely influenced by the negative views they 'absorb from the social imaginary' (Medina 2011). As a result, officials' interpretation of refugee protection not only reflects a 'meta-message of deterrence' (as guided by asylum policies), but is also 'nearly always slanted towards the disbelief of the narrative and the discrediting of the applicant' (Jubany 2011: 84). Concurrently, this has a knock-on effect on their perceptions about 'truth', often leading to the development of so-called 'professional knowledge' within the asylum adjudication system (Fuglerud 2004; Herlihy, Gleeson and Turner 2010; Jubany 2011).

This so-called 'professional knowledge', as Jubany (2011: 82–83, emphasis added) argues, evolves from a correlation of all cases with what officials consider a 'normal case', whose common standards are shared by all officers, implying that 'what officers decide to establish as the group criteria *is what is* consolidated as professional knowledge'. The results of this is that the production of 'professional knowledge' involves the codification of personal stereotyping as 'experience' and 'expertise', applied and legitimised by the

subculture of disbelief (Jubany 2011). It is within this context that Jubany (2017) stresses the importance of examining the asylum adjudication procedures; how this intersect with the practices, habits and socially constructed conceptions among officials; as well as the effect of the socio-political environment in which decisions are produced and the consequences on the lives of people seeking refuge.

Drawing on empirical evidence, the remainder of this paper addresses the following questions:

- What challenges do Pakistani Christian asylum seekers encounter in trying to prove their Christian identity?
- What barriers do they face in their efforts to evidence their Christian faith and the persecution they suffered in the country of origin as a result of their faith?

## **Research and Methodology**

The article is based on ethnographic research conducted between June and December 2015, using 40 research participants for interviews, focus groups, participant observations and case file analyses. The research aimed to gain understanding of Pakistani Christian experiences, both as victims of religious persecution while still in Pakistan and as asylum claimants while seeking protection on religious grounds in the UK. Snowball sampling and existing contacts facilitated access to participants. The sample consisted of 15 Pakistani Christian asylum seekers and 25 key informants, including migrant support organisations ( $n = 4$ ), vicars and pastors ( $n = 4$ ), Pakistani Christian community leaders ( $n = 10$ ) and professionals such as legal advisors ( $n = 3$ ) and immigration judges ( $n = 2$ ), and those working in interpretation and translation ( $n = 2$ ). Interviews with asylum seekers were conducted in both English and Urdu, using an interpreter. As argued by Squires (2009), 'trustworthiness' is used to measure a qualitative study's rigour, which also applies to the trustworthiness of interpreters in cross-language qualitative research. In this case, the interpreter was a competent and trusted retired Anglican reverend and former missionary to Pakistan, with a long history of working with the Pakistani Christian refugee community in the UK. Of the 15 interviews with asylum seekers, access was gained to six case files (which included interview records and UKBA refusal letters, etc.). I also spent time with the research participants, occasionally attending social events such as church services and refugee-related community events, organised by the organisations that supported them. That said, such high-level of interaction with participants raises ethical implications, which I addressed by adopting a reflexive approach and treating consent as an ongoing process rather than a one-off negotiation (Madziva 2015). In light of the vulnerable nature of the population under study, key ethical issues including confidentiality, informed consent and avoiding harm were given high priority, as was the need to avoid unnecessary discomfort.

Therefore, the research design enabled me to gain in-depth knowledge of the Christian claimants' lived experiences of seeking asylum, as well as the UKBA's responses to asylum seekers' religious claims. Research encounters were audio recorded and transcribed before the analysis using thematic and conversational techniques. Themes emerged in the process of coding and analysing data, as opposed to the research being theory driven (Charmaz 2006). While the data generated provide rich and important insight, the findings cannot be taken to represent *all* Christian refugees from Muslim majority countries. Note also that all names used in this article are pseudonyms to protect participants' identities.

## **Evidencing the Christian Identity**

As mentioned, when seeking asylum, claimants undergo an initial screening interview in which they are required to produce evidence of their identity. While the binary of the good/bad asylum seeker (Malloch and Stanley 2005) is prevalent in dominant discourses and underpins the development of what could be seen as a 'structural identity prejudice' (Fricker 2007: 155), the case of Christians from Muslim majority countries points to an extension of this problematic binary to one of the good/bad Christian.

As previously argued (Madziva 2018), Pakistani Christians increasingly suffer 'identity prejudice' (Fricker 2007) in two ways—as asylum seekers and as individuals from a Muslim majority country. This formed a



recurring theme in the study with participants who routinely claimed that because of their country of origin, immigration officials invariably assumed them to be Muslims—and, hence, potential terrorists. Consequently, their claims of being Christians were systematically doubted, with those bearing biblical or English names frequently subjected to increased scrutiny. For example, note two participants' screening experiences:

In my screening interview, the caseworker saw my name and he looked at me and because of my skin he could tell this man is from Asia but his name is English. So to the caseworker my name was inappropriate because it didn't match people from Pakistan ... He said to me, 'you can't be a Christian because you are Muslim, why have you changed your name?' I told him I was born a Christian and that it was [my] great grandfather who converted ... As he looked at my papers and he could tell my grandfather had an English name, my father had an English name. He became a bit settled that I was not a Muslim disguising ... a terrorist in disguise because the record was there. (Nathaniel, refugee)

My wife and I were not expecting to experience any problems because our names are biblical names, so they say ... that we were born Christians ... but when the official looked at our bodies against the names written on our passports, he found our identities questionable. We were Christians in Asian bodies, and this didn't sit well with the official, so we were held overnight while they verified our identities in case we were terrorists. (Mathew, refugee)

While it is very common for asylum seekers who fail to produce sufficient identity documentation to be rejected and/or treated as suspects (Gibson 2013), Pakistani Christians with sufficient identity documents were instead judged as counterfeit, as their papers did not match that of a 'normal case' (Jubany 2011). Therefore, there is some resonance here with Foucault's (2007) notion of 'governance through security', which, as he argues, is underpinned by specific problematisations of risks and threats that are connected to certain groups of people, as well as particular forms of knowledge. Thus, having been greeted with suspicion and distrust upon arrival, participants claimed that their testimonies were subsequently 'heard suspiciously'.

### **Evidencing the Christian Faith**

Those who managed to pass the screening process proceeded to the next stage, which is a substantive interview with a caseworker, in which they were given the opportunity to give testimony to the persecution they had suffered in Pakistan. Meanwhile, for individuals seeking refugee protection on religious grounds, the initial requirement is to demonstrate his/her religious belief before they can prove that they suffered persecution due to their Christian identity. To this end, the UK Home Office (2015: 28) guidelines on religion make explicit that 'a simple holding of beliefs which are not tolerated in the country of origin will normally not be enough to substantiate a claim to refugee status'. Instead, officials are required to ascertain:

whether the claimant genuinely adheres to the religion to which he or she professes to belong, how that individual observes those beliefs in the private and public spheres, and whether that would place him/her at risk of persecution (28).

While all asylum seekers struggle due to the 'burden of proof' (Sweeney 2009), I argue that the adjudication of faith-based claims is made more complex by the fact that it brings 'secular adjudication into the world of faith' (Kagan 2010: 1189). Yet, faith is an aspect that is not objectively verifiable. This further raises questions regarding the competence of immigration officials in religious matters or the extent to which they are qualified to assess the genuineness of an individual's beliefs. Indeed, this includes the manner in which they are practised in different socio-political and religious contexts (Madziva and Lowndes 2018). To this end, Kagan (2010: 1189) stresses the need to pay attention to officials' questioning

styles, as this is a key aspect of testimonial exchanges that reflect adjudicators' religious knowledge and assumptions, and the asymmetric power relations (Fricker 2007) in the asylum adjudication system.

In this study, participants raised concern that in their efforts to assess individuals' 'genuine adherence' to the Christian faith, immigration officials routinely expected claimants to respond to a quiz-like style of questioning, which frequently ran afoul of the narrative norms, practices and central focus and/or key aspects of the Christian faith. Minor inconsistencies, such as the inability to recall the names of or recite the books of the bible in their rightful order, were often taken by adjudicators as evidence of an applicant's lack of credibility. Thus, participants routinely noted how they were asked 'to recite the books of the bible' (George) or were questioned on how they 'celebrate Christmas and Easter' (Tariq), or even asked 'which one is more important, Christmas or Easter?' (Aisha). The major challenge imposed by such an approach to credibility assessment is that decisions about the truthfulness of asylum seekers' testimonies are not only undertaken on the basis of what the individuals say, but also on how they say it (see Fricker 2007). As one senior legal advisor, Angie, noted:

the worst question I've ever heard asked ... is 'which one's more important, Christmas or Easter?' And when the claimant said, 'well, Easter, of course; it's the resurrection', he [immigration officer] was, 'well, no, it's wrong, it's Christmas because that's when everybody gets presents'.

Thus, Christian asylum applicants are expected to conform to secular and Western stereotypes and understandings of Christianity to be considered genuine candidates for asylum. To this end, key informants, particularly pastors and vicars, found the Home Office's knowledge-based approach extremely disturbing, in that it prioritises issues that are peripheral to the Christian faith. A female vicar (from the Church of England), Allison, argued how Christianity is very different from other types of faiths, in which it is all very fact-related:

Christianity isn't just an event which is learned and memorised: it is a way of life. If you're a Muslim, if you're a Jew, there will be certain things you have to do, and so it becomes off rote, whereas in the Christian world there isn't a universal way of celebrating Christmas or Easter. And for true Christians, both Christmas and Easter are important in their unique ways: Christmas is the birth of Christ and Easter represents Christ's resurrection, which is the central issue in Christianity, if you like. Overall, as Christians, what we emphasise is a relationship with Christ. So you cannot put the same parameters on that as you could for other types of faith.

An outstanding case in this study involved a young man, Rusul, who claimed asylum on arrival in 2007. The Home Office subsequently found him not to be Christian enough simply because he did not know the name of the Pope. As Rusul explained:

in my interview I was asked, 'what is your denomination', and I said, 'I am a Catholic', and the caseworker asked me, 'who is the Pope'? I now know that it was Pope Benedict but then I didn't know him. So I said I don't know him.

As reflected in the Home Office refusal letter, not knowing the name of the Pope was taken to be indicative of a disingenuous claim:

I do not believe that the claimant is a Christian or has any sort of religious profile in Pakistan ... He is not a regular attendee at mass, because he did not know the name of the Pope, or the correct name of the head of the Roman Catholic Church in Pakistan.

Following my interview with Rusul, I spoke to a senior immigration advisor, Debbie, to seek clarification, particularly why not knowing the name of the Pope could raise an alarm in terms of credibility within the asylum adjudication system. As Debbie explained:

That one would raise a question mark in terms of credibility because of the position the Pope holds in the Catholic Church. I think the justification is that there'd be a major difference between asking an Anglican person who the archbishop is and asking a Catholic who the Pope is. Because there is the veneration of the Pope, which stands in the episodic tradition, and he is directly descended from St Peter—he's it! So if a Catholic wouldn't know who the Pope was, it would raise worries, that one, according to our guidelines.

Here, we can witness the racialisation and hierarchisation of religion and/or religious knowledge in ways that, arguably, point to an extension of the problematic (and oversimplified) binary of the good/bad refugee to one of the good/bad Catholic/Christian. Indeed, it is evident that by asking Rusul who the Pope was, the adjudicator was acting on the presumed assertion that possessing this knowledge, or lack of it, was indicative of something significant in terms of credibility. Subsequently, the claimant's lack of such knowledge was used as evidence that he was 'not a regular attendee at mass', and, hence, was not a genuine Catholic. In line with Fricker's notion of credibility deficit in testimonial exchanges, Kagan (2010: 1193) argues that analysis of the questions that immigration officials frequently ask reveals what they preconceive 'to be true *before* encountering the applicant's actual testimony'. In doing so, 'adjudicators' assumptions will surface and impact refugee adjudications long before the final judgment on the application and before the applicant even answers' (Kagan 2010: 1192). Thus, as Fricker (2007) rightly asserts, credibility appraisals are most likely affected by epistemic agents' preconceptions, sometimes in ways that make it plausibly obvious that some form of 'identity power' is at work.

Meanwhile, Rusul claimed that the system did not take into consideration that he was illiterate:

My biggest challenge is I am not educated. As a village boy I knew who my local leaders were, and in saying our prayers we would always say them 'in the name of the Pope', but to get to know ... the name of the Pope was out of my reach.

Information gained from the organisation supporting Rusul not only confirmed his being illiterate, but also revealed that his case was made more complex by a perceived 'mix-match' between his name and those of his parents. Hence, he did not comply with the 'normal case' (Jubany 2017):

This young man is very illiterate ... Also there was a problem with his identity ... On his identification documents his first name is Muslim-sounding, but his surname is an English Christian name and both his parents' first names are English. This confused the officials. One is tempted to say he was denied because both his identity and faith were found questionable. (Martin, volunteer)

Commenting from a law perspective, Millbank (2012: 4) argues that:

unlike disbelief of other aspects of a claimant's narrative (such as past persecution, where future fear of persecution may still be made out), disbelief regarding actual group membership will almost always doom the claim to failure.

While it is not implied that asylum seekers are always truthful about their religious identities, what is argued here is that adjudicators need to pay particular attention to individuals' backgrounds, including level of education and mental capacity. As Kagan (2010) argues, there is need for the asylum system to adopt a narrative approach in which adjudicators ask neutral questions, allowing claimants to freely provide their own accounts of how they practice their religion. Here, the argument is that narrative questions can better accommodate individuals from diverse backgrounds with a wide range of education



and experience, without prejudging what a genuine Christian would know or believe. In doing so, adjudicators will be able to reach an informed decision about a claimant's credibility without expecting an unrealistic level of specialist knowledge (see Evangelical Alliance UK 2007 in the context of apostasy).

However, as Schuster (2010) argues, challenges such as the ones raised in this paper need to be understood within the context of the shift occurring in the broader European asylum regime, which has seen States increasingly enacting policies and practices that promote discrimination and unequal treatment of asylum seekers, as well as the application of common-sense assertions in the adjudication of asylum claims. Thus, necessitating the intersection of racism in a complex way with other factors such as class, leading to the creation of a hierarchy of the excluded. Evident, then, in this research is a pattern in which applicants were increasingly denied refugee status on the grounds that officials were not convinced that they had a 'religious profile' in Pakistan.

### **Evidencing Religious Persecution**

In assessing credibility, immigration officials are required to judge claimants' life stories in conjunction with external evidence or the general known facts, particularly the COI. As the UK Home Office (2015: 15) states, 'the greater the correlation between aspects of the account and external evidence, the greater the weight caseworkers should attribute to those aspects'. Emphasis on the correlation between personal testimony and external evidence, arguably, invites debate on the extent to which objective facts such as the COI are used to judge the credibility of claimants' subjective evidence and the effect on individuals' ability to win refugee status (see also Thomas 2011 for a detailed discussion). As argued elsewhere (Madziva and Lowndes 2018:83): 'for external evidence to be effectively used to support personal experience, it needs to properly reflect knowledge and expertise about the practical situation on the ground in the country of origin'.

Hence, this section seeks to highlight what could be viewed as inconsistencies in the current Home Office guidelines on Pakistan as they relate to Christians.

The recently amended UK Home Office (2018: 5, 7) 'Country Information and Guidance Pakistan: Christians and Christian Converts', published September 2018, notes that while:

Christians in Pakistan are a religious minority who, in general, suffer discrimination ... this is not sufficient to amount to a real risk of persecution ... [as] Christians in general are permitted to practise their faith, can attend church, participate in religious activities and have their own schools and hospitals.

While there is now acknowledgment that 'both evangelical and non-evangelical Christians face discrimination and violence because of their faith' (UK Home Office 2018: 8), we can observe the hierarchisation of faith in law, as evangelical Christians are believed to be more susceptible to persecution:

Evangelism by its very nature involves some obligation to proselytise. Someone who seeks to broadcast their faith to strangers so as to encourage them to convert, may find themselves facing a charge of blasphemy. In that way, evangelical Christians face a greater risk than those Christians who are not publicly active. It will be for the [judicial fact-finder] to assess on a case by case basis whether, notwithstanding attendance at an evangelical church, it is important to the individual to behave in evangelical ways that may lead to a real risk of persecution (UK Home Office 2018: 5).

In this regard, evangelical Christians are viewed as more likely to be victims of blasphemy laws:

Evangelising Christians may find themselves particularly affected by the blasphemy laws, which carry severe penalties, and may be able to demonstrate that use of the blasphemy laws against them while practising their religion could amount to persecution (8).

The COI document goes further to make a (problematic) distinction between Christian converts and those born into the religion, stating that ‘the situation is far more difficult for a person who is known to have converted from Islam to Christianity, than for a person who was born Christian’ (UK Home Office 2018: 10). However, participants’ accounts of persecution suggest that the distinctions of evangelical and non-evangelical and between Christian converts and Christian born are not at all clear-cut, especially when the context in which people experience persecution and the manner in which Christian life is lived are taken into consideration.

A good example here is Zaida, a female claimant who applied for asylum in 2014 and whose case raises important questions of what constitutes a ‘religious profile’, or what should be classified as ‘evangelism’. Narrating her story, Zaida said:

I was a teacher in a Muslim school. One day I was fasting because it was Christian Lent ... At break time, I was sitting in the staffroom reading a Christian magazine and one Muslim lady teacher ... offered me food and I refused. She persuaded me thinking I had no food to eat and eventually I said, ‘no, I am fasting’. She then requested to see my magazine, and later asked if she could keep it and read later, to which I agreed.

As Zaida further claims, the same teacher returned the following day and asked more questions about Christianity, to which she was very happy to elaborate. In the afternoon, this same teacher observed Zaida leading her class into their lunchtime prayer (as per the school tradition). Following this, she went to report to the head teacher that Zaida had been talking to her about Christianity with the intention to convert her, and that she also observed her teaching students in her class to say prayers in a Christian way. She also presented the Christian magazine as evidence of the claimant’s ‘evangelical’ behaviour. As Zaida further claims, she subsequently lost her job and was publicly assaulted by the teacher’s family, after which a blasphemy case was filed against her.

However, the Home Office rejected Zaida’s application for asylum. Among other things, the officer who wrote her refusal letter stated:

I did not find the claimant’s account of what happened in the school credible ... she did not have any religious profile ... Your previous history shows you can in general live as a Christian born without problems in Pakistan.

This case, like many others I have listened to, aptly demonstrates that one does not need to be an evangelist in Western terms to attract persecution. Although the Home Office judged the claimant not to be an evangelist, it was a combination of religious observable acts—‘fasting’, passing on a ‘Christian magazine’ and a particular way of ‘praying’—which framed Zaida as ‘someone who seeks to broadcast their faith to strangers so as to encourage them to convert’ (UK Home Office 2018: 5). To this end, I strongly argue that adjudicators need to employ what Kagan (2010: 1222) calls ‘the eyes of the persecutor test’.

Kagan (2010: 1222–1223) further argues:

the eyes of the persecutor test guides credibility assessment ... toward observable and objective factors, which are more comfortable grounds for adjudication. Agents of persecution are no more capable than adjudicators of knowing what a person genuinely believes or does not believe. Instead, persecution is triggered by the associations and observable behaviors that lead the persecutor to perceive that the victim is a member of the targeted group.

Here, it is clear that the Home Office fails to recognise that in the Muslim majority world, unlike the situation in liberal democracies, 'faith, as it informs identity, permeates and is exhibited in all aspects of individual and communal life' (Thane, Jhans and Rehman 2016: 12).

Similar sentiments were also echoed by the female vicar, Allison:

I guess, in Britain, religion is a convenient thing: Christianity could suit, certainly, places like the Church of England where it's a good place to be married, baptised or hold funerals. Whereas in the Muslim majority world, you can't strategise things, hide or exercise your faith as and when it's convenient because it is your life and identity—you are defined by it.

Closely related to this is a scenario that reflects what could be seen as the immigration officials' 'refusal mindset', especially when dealing with claimants whose lived experiences were perceived to be 'far removed from the cultural, psychological, emotional, and narrative norm of the adjudicator' (Kagan 2010: 1190). Here I return to the case of Rusul, who, as mentioned, was found not to be Catholic enough because he did not know the name of the Pope. His actual asylum claim was based on accusations of blasphemy, as focused by an Islamic military group. According to Rusul, this was a strategy to take his father's land away from the family. Explaining how he became implicated, Rusul said:

my father is a devout Roman Catholic leader who was accused of terrorism in 2006. Following his imprisonment, his accusers tried to force me, as the eldest son, to put my thumbprint on the paper, which signs the land over to them on behalf of my father ... With the support of community leaders and a lawyer who knew my father very well, I refused ... Then one day, as I was coming from the city, I saw someone making a fire on the roadside ... I asked if I could warm myself, as it was very cold... As I was warming myself, two men came to me and said, 'you are burning pages of the Quran'.

While it is acknowledged in the COI document that in Pakistan accusations of blasphemy are a common avenue through which Christians are persecuted and displaced from their land and properties, Rusul's claim was found to be overwhelmingly implausible. As stated in the Home Office refusal letter:

in relation to the incident in 2006 in which you are allegedly accused of burning the Koran, your account was rejected in its entirety ... I do not believe that the incident occurred as claimed. Even an uneducated person would not burn pages of this sort knowingly ... The idea of a person sitting alone on the roadside calmly burning pages in this way stretches credulity ... The whole incident and its supporting documentation simply does not add up. In conclusion, I find no basis for the claimant to have any fears arising from his family's Christianity.

This excerpt raises a number of serious issues. First, the remark that, 'I do not believe that the incident occurred as claimed ... even an uneducated person would not burn pages of this sort knowingly', demonstrates how the information that a claimant provides is often used in a very selective and prejudicial manner to justify the reasons for refusal. Here, the claimant's illiteracy is used in a stigmatised and stereotypical way to substantiate the assertion of a false and illogical claim, rather than as evidence for reasoning why he did not know the name of the Pope (as discussed earlier). Here, we can see, as Fricker (2007: 1) so persuasively argues, that testimonial injustice is most likely to occur 'when prejudice causes a hearer to give a deflated level of credibility to a speaker's word'.

Second, while the immigration official found 'no basis for the claimant to have any fears arising from his family's Christianity', what he failed to take into consideration was the fact that, in the Pakistani context, the claimant was publicly defined by his family's Catholic identity, which, as he explained, was the trigger of persecution. When viewed in line with Kagan's 'eyes of the persecutor test' thesis, the adjudicator

needed to have understood that the family's Christian identity was enough to trigger persecution, even if it remained possible that Rusul was less than sincere in his adherence.

Finally, is the problematic statement, 'the idea of a person sitting alone on the roadside calmly burning pages in this way stretches credulity', which clearly demonstrates that decision-makers often expect accusations of blasphemy to make sense. As Herlihy, Gleeson and Turner (2010) argue, what officials often fail to understand is that persecutors are not always logical thinkers; increasingly, they come up with anything, no matter how odd, to achieve their motives. In this regard, officials' stereotypical views and subjective understandings of human behaviour represents only a 'partial view of the world', which overlooks the reality that there are 'certain experiences that they just cannot all have, and some that they cannot even imagine. In these realms their otherwise useful stereotypes are insufficient' (Goodman, Sirriyeh and McMahon 2017; Herlihy, Gleeson and Turner 2010: 364).

Meanwhile, existing research has shown that to justify the prejudices and stereotypical judgements of those seeking asylum, adjudicators increasingly hide behind the language of 'intuitive feeling' (Jubany 2011) or 'ring of truth' (Millbank 2009). By making such claims, adjudicators position:

the story *itself* as the active agent in the adjudication process and suggests that its truth is both self-contained and self-evident ... rather than the decision-maker who is choosing ... to believe, or to disbelieve, in it or the person telling it. (Millbank 2009: 5)

Thus, as Lewis (2014) argues, understandings of credibility in the asylum adjudication process need to shift away from the idea of 'discovering truth' to holding adjudicators accountable for making decisions in the face of 'empirical uncertainty'. The argument here is that instead of treating the evidence, experiences and stories that asylum seekers put across as something that speaks for itself, adjudicators need to ask themselves *why* they find particular accounts unbelievable. This will require them to engage in a more critical and self-reflexive adjudication process, including interrogating themselves in the same manner in which they interrogate claimants (Lewis 2014).

## Conclusion

The article takes inspiration from Miranda Fricker's philosophical work on epistemic injustices, hermeneutical and testimonial, to help tease out the religious discrimination that Pakistani Christian asylum seekers experienced within the context of the UK asylum adjudication system. In doing so, the article's contribution is threefold. First, its theoretical underpinnings provide the framework for not only exploring how religion is assessed and evaluated, but can be effectively applied to evaluate credibility challenges pertaining to asylum seekers in general in the UK, as in other liberal democracies. Indeed, asylum applicants from other countries and regions are similarly involved in protracted and complex struggles to secure refugee status, and often their stories and lived experiences are judged in a prejudicial manner. Second, the article highlights weaknesses in the adjudication of asylum claims and decision-making processes, and the inherent built-in obstacles that people in the asylum process face—in turn, exposing the challenges to evidence-based approaches to the determination of refugee status. Third, the article's focus on religion does extend existing knowledge in the area. It demonstrates that the adjudication of faith-based claims is a complex process that brings secular adjudicators into the world of faith, with the data presented pointing to the incompetencies of adjudicators in religious matters. Therefore, it is clear that while the Home Office places great emphasis on issues of coherency and consistency, claimants' experiences also point towards its own inconsistency and incoherency. Overall, this article adds to the many calls by academics for adjudicators to engage in a more critical and self-reflexive adjudication process, rather than basing their decisions to grant asylum upon a set of tacit assumptions, while rejecting the stories and lived experiences that asylum seekers put across to evidence their persecution.

## Acknowledgements

The author is grateful to the research participants for their time. The author also gratefully acknowledges the support of Vivien Lowndes under the Making Science Public program and the valuable comments from Akua Yeboah-Fordjour and the two anonymous reviewers to earlier versions of this article.

## Funding

This work was supported by the Leverhulme Trust (Grant No. RP2011-SP-013).

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- <sup>1</sup> Guentner et al. (2016) defines bordering practices as measures taken by State institutions—whether at territorial frontiers or inside them—which demarcate categories of people so as to incorporate some and exclude others, in a specific social order.  
<sup>2</sup> According to Taylor (2002: 106) ‘imaginaries are neither strictly ideas nor strictly institutions’. Rather, they are ‘schematized in the dense sphere of common practice’.

## References

- Bosworth M and Guild M (2008) Governing through migration control: Security and citizenship in Britain. *British Journal of Criminology* 48(6): 703–719. <https://doi.org/10.1093/bjc/azn059>
- Castles S, De Haas H and Miller MJ (2014) *The Age of Migration: International Population Movements in the Modern World*. New York: Guilford Press.
- Charmaz K (2006) *Constructing Grounded Theory: A Practical Guide Through Qualitative Analysis*. London: Sage.
- Cwerner SB (2004) Faster, faster and faster: The time politics of asylum in the UK. *Time and Society* 13(1): 71–88. <https://doi.org/10.1177/0961463X04040747>
- Evangelical Alliance UK (2007) *All together for Asylum Justice: Asylum seekers' conversion to Christianity*. <https://www.eauk.org/current-affairs/publications/alltogether-for-asylum-justice.cfm>
- Foucault M (2007) *Security, Territory, Population: Lectures at the Collège de France, 1977–78*, trans. G Burchell. Basingstoke and New York: Palgrave Macmillan.
- Fricker M (2007) *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press.
- Fuglerud O (2004) Constructing exclusion: The micro-sociology of an immigration department. *Social Anthropology* 12(1): 25–40. <https://doi.org/10.1111/j.1469-8676.2004.tb00088.x>
- Gibson S (2013) Testimony in a culture of disbelief: Asylum hearings and the impossibility of bearing witness. *Journal for Cultural Research* 17(1): 1–20. <https://doi.org/10.1080/14797585.2011.613221>
- Goodman S, Sirriyeh A and McMahon S (2017) The evolving (re)categorisations of refugees throughout the ‘refugee/migrant crisis’. *Journal of Community and Applied Social Psychology* 27(2): 105–114. <https://doi.org/10.1002/casp.2302>
- Guentner S, Lukes S, Stanton R, Vollmer BA and Wilding J (2016). Bordering practices in the UK welfare system. *Critical Social Policy*, 36(3): 391 - 411. <https://journals.sagepub.com/doi/abs/10.1177/0261018315622609>
- Herlihy J, Gleeson K and Turner S (2010) What assumptions about human behaviour underlie asylum judgments? *International Journal of Refugee Law* 22(3): 351–366. <https://doi.org/10.1093/ijrl/eeq027>
- Jubany O (2017) Asylum screening from within. In Jubany O (ed) *Screening Asylum in a Culture of Disbelief: Truths, Denials and Skeptical Borders*: 1–32. Cham: Palgrave Macmillan.
- Jubany O (2011) Constructing truths in a culture of disbelief: Understanding asylum screening from within. *International Sociology* 26(1): 74–94. <https://doi.org/10.1177/0268580910380978>
- Kagan M (2003) Is truth in the eye of the beholder? objective credibility assessment in refugee status determination. *Georgetown Immigration Law Journal* 17: 367.



- Kagan M (2010) Refugee credibility assessment and the religious imposter problem: A case study of Eritrean Pentecostal claims in Egypt. *Vanderbilt Journal of Transnational Law* 43: 1179.
- Lewis RA (2014) 'Gay? Prove it': The politics of queer anti-deportation activism. *Sexualities* 17(8): 958–975. <https://doi.org/10.1177/1363460714552253>
- Malloch MS and Stanley E (2005) The detention of asylum seekers in the UK: Representing risk, managing the dangerous. *Punishment and Society* 7(1): 53–71. <https://doi.org/10.1177/1462474505048133>
- Madziva R and Lowndes V (2018) What counts as evidence in adjudicating asylum claims? Locating the monsters in the machine: an investigation of faith-based claims. In Nerlich B, Hartley S, Raman S and Smith A (Eds) *Science and the politics of openness: Here be monsters*: 75–96. Manchester University Press.
- Madziva R (2018) "Your name does not tick the box": the intertwining of names, bodies, religion and nationality in the construction of identity within the UK asylum system. *Ethnic and Racial Studies* 41(5): 938–957. <https://doi.org/10.1080/01419870.2017.1318215>
- Madziva R (2015) A gift exchange relationship? Reflections on doing qualitative research with vulnerable migrants. *Families, Relationships and Societies* 4(3): 465–480. <https://doi.org/10.1332/204674313X13872827681557>
- Medina J (2011) The relevance of credibility excess in a proportional view of epistemic injustice: Differential epistemic authority and the social imaginary. *Social Epistemology* 25(1): 15–35. <https://doi.org/10.1080/02691728.2010.534568>
- Millbank J (2009) 'The ring of truth': A case study of credibility assessment in particular social group refugee determinations. *International Journal of Refugee Law* 21(1): 1–33. <https://doi.org/10.1093/ijrl/een040>
- Office of the United Nations High Commissioner for Refugees (1998) *Note on Burden and Standard of Proof in Refugee Claims*. Geneva: UNHCR. <https://www.refworld.org/pdfid/3ae6b3338.pdf>
- Schuster L (2010) Common sense or racism? The treatment of asylum-seekers in Europe. *Patterns of Prejudice* 37(3): 233–256. <https://doi.org/10.1080/00313220307591>
- Souter J (2011) A culture of disbelief or denial? Critiquing refugee status determination in the United Kingdom. *Oxford Monitor of Forced Migration* 1(1): 48–59.
- Shaw J and Witkin R (2004) Get it Right: How Home Office Decision Making Fails Refugees. London: Amnesty International UK. [https://www.amnesty.org.uk/files/get\\_it\\_right\\_0.pdf](https://www.amnesty.org.uk/files/get_it_right_0.pdf)
- Squires A (2009) Methodological challenges in cross-language qualitative research: A research review. *International journal of nursing studies*, 46(2): 277–287. <https://doi.org/10.1016/j.ijnurstu.2008.08.006>
- Sweeney JA (2009) Credibility, proof and refugee law. *International Journal of Refugee Law* 21(4): 700–726. <https://doi.org/10.1093/ijrl/eep027>
- Taylor C (2002) Modern social imaginaries. *Public Culture* 14(1): 91–124.
- Thane K, Jhans G and Rehman J (2016) *Freedom of Religion or Belief in Pakistan and UK Government Policy: APPG for International Freedom of Religion or Belief Parliamentary Inquiry Abridged Report*. London: APPG. <https://appgfreedomofreligionorbelief.org/media/APPG-Abridged-Report-Pakistan-Inquiry.pdf>
- Thomas R (2011) *Administrative Justice and Asylum Appeals: A Study of Tribunal Adjudication*. Oxford: Bloomsbury.
- UK Home Office (2018) *Country Information and Guidance Pakistan: Christians and Christian Converts*. London: UK Home Office. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/566235/Pakistan-Christians\\_and\\_Christian\\_converters.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566235/Pakistan-Christians_and_Christian_converters.pdf)
- UK Home Office (2015) *Asylum Policy Instruction: Assessing Credibility and Refugee Status*. London: UK Home Office. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397778/ASSESSING\\_CREDIBILITY\\_AND\\_REFUGEE\\_STATUS\\_V9\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf)
- UNHCR (2001) Asylum Processes (Fair and Efficient Asylum Procedures). UN Doc. EC/GC/01/12, 13 May. <https://www.unhcr.org/en-au/protection/globalconsult/3b389254a/asylum-processes-fair-efficient-asylum-procedures.html>